

11-04-04

Dep & Ref  
ORISON NO 307

**EXPRESS MAIL LABEL: EV519867051US**

**REQUEST FOR REFUND  
UNDER 37 CFR § 1.26**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Customer Number	24353
Application Number	09/313,292
Confirmation Number	3706
Filing Date	May 13, 1999
First Named Inventor	WILLIAMS, LEWIS T.
Examiner Name	Brusca, John S.
Group Art Unit	1631
Attorney Docket	2300-1487

2004 NOV -8 AM 10:42

Sir:

Applicants paid a \$290.00 fee to request an Oral Hearing with the Notice of Appeal dated December 11, 2003 to Deposit Account No. 50-0815. A copy of the Applicant's fee transmittal indicating this payment is submitted herewith.

According to the Notification of Non-Compliance dated October 19, 2004, the Applicant's request was not granted. The Notification of Non-Compliance dated October 19, 2004, states that the fee for Oral Hearing herein submitted with the Notice of Appeal is refundable under 37 CFR § 1.26.

In view of the foregoing, the Applicants request a refund of the \$290.00 fee paid for the Request for Oral Hearing. The refund should be deposited to Deposit Account No. 50-0815, order number 2300-1487.

The Appellants will not be filing a petition under 37 CFR § 1.183.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number 2300-1487.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: November 2, 2004

By: James S. Keddie  
James S. Keddie, Ph.D.  
Registration No. 48,920

BOZICEVIC, FIELD & FRANCIS LLP  
1900 University Avenue, Suite 200  
East Palo Alto, California 94303  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231

COPY

PTO/SB/17 (9-03)

Approved for use through 07/31/2006. OMB 0651-0040

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
1570

## Complete If Known

Application Number 09/313,292  
 Filing Date May 13, 1999  
 First Named Inventor WILLIAMS, LEWIS T.  
 Examiner Name Brusca, John S.  
 Art Unit 1631  
 Attorney Docket No. 2300-1487

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 50-0815  
 Deposit Account Name Bozicevic, Field & Francis LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code	Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1001 770	2001 385		Utility filing fee	
1002 340	2002 170		Design filing fee	
1003 530	2003 265		Plant filing fee	
1004 770	2004 385		Reissue filing fee	
1005 160	2005 80		Provisional filing fee	

SUBTOTAL (1)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
20** =	x	=	
Indep. Claims	3** =	x	=
Multiple Dependent		=	

## Large Entity Small Entity

Fee Code	Fee Code	Fee Code	Fee Description
1202 18	2202 9		Claims in excess of 20
1201 86	2201 43		Independent claims in excess of 3
1203 290	2203 145		Multiple dependent claim, if not paid
1204 86	2204 43		** Reissue independent claims over original patent
1205 18	2205 9		** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$

\*\*or number previously paid, if greater; For Reissues, see above.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee Code	Fee Code	Fee Code	Fee Description	Fee Paid
1051 130	2051 65			Surcharge - late filing fee or oath	
1052 50	2052 25			Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130			Non-English specification	
1812 2,520	1812 2,520			For filing a request for ex parte reexamination	
1804 920*	1804 920*			Requesting publication of SIR prior to Examination action	
1805 1,840*	1805 1,840*			Requesting publication of SIR after Examiner action	
1251 110	2251 55			Extension for reply within first month	
1252 420	2252 210			Extension for reply within second month	
1253 950	2253 475			Extension for reply within third month	950
1254 1,480	2254 740			Extension for reply within fourth month	
1255 2,010	2255 1,005			Extension for reply within fifth month	
1401 330	2401 165			Notice of Appeal	
1402 330	2402 165			Filing a brief in support of an appeal	330
1403 290	2403 145			Request for oral hearing	290
1451 1,510	1451 1,510			Petition to institute a public use proceeding	
1452 110	2452 55			Petition to revive - unavoidable	
1453 1,330	2453 665			Petition to revive - unintentional	
1501 1,330	2501 665			Utility issue fee (or reissue)	
1502 480	2502 240			Design issue fee	
1503 340	2503 320			Plant issue fee	
1406 130	1460 130			Petitions to the Commissioner	
1807 50	1807 50			Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180			Submission of Information Disclosure Stmt	
8021 40	8021 40			Recording each patent assignment per property (times number of properties)	
1809 770	2809 385			Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 770	2810 385			For each additional invention to be examined (37 CFR § 1.129(b))	
1801 770	2801 385			Request for Continued Examination (RCE)	
1802 900	1802 900			Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

1570

## SUBMITTED BY

Name (Print/Type) James S. Keddie, Ph.D.

Registration No. (Attorney/Agent)

48,920

Telephone

(850) 833-7723

Signature

Date

12/11/2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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PATENT MAINTENANCE  
DIVISION

PTO/SB/21 (05-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/313,292	
	Filing Date	May 13, 1999	
	First Named Inventor	WILLIAMS, LEWIS T.	
	Group Art Unit	1631	
	Examiner Name	Brusca, John S.	
Total Number of Pages in This Submission	3	Attorney Docket Number	2300-1487

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Copy of Fee Transmittal dated 12-11- 2003 2. Postcard
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Signing Attorney/Agent (Reg. No.)	JAMES S. KEDDIE, PH.D., 48,920 BOZICEVIC, FIELD & FRANCIS, LLP
Signature	
Date	November 2, 2004

**EXPRESS MAIL LABEL NO. EV519867051US**

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DEC 11 2003

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1570**Complete if Known**

Application Number 09/313,292  
 Filing Date May 13, 1999  
 First Named Inventor WILLIAMS, LEWIS T.  
 Examiner Name Brusca, John S.  
 Art Unit 1631  
 Attorney Docket No. 2300-1487

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money ☐ Other ☐ None  
Order☒ Deposit Account:

Deposit Account Number 50-0815  
 Deposit Account Name Bozicevic, Field & Francis LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

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**SUBTOTAL (1)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

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**SUBTOTAL (2) \$**

\*\*or number previously paid, if greater; For Reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

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1503 640	2503 320			Plant issue fee	
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1802 900	1802 900			Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

1570

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type) James S. Keddle, Ph.D. Registration No. (Attorney/Agent) 48,920 Telephone (650) 833-7723  
 Signature [Signature] Date 12/11/2003

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Adjustment date: 12/16/2004 YPOLITE1  
 12/17/2003 CCHAU1 00000089 500815 09313292  
 03 FC:1483 290.00 CR